



GP 1646

PATENT
Attorney Docket 044574-5061-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

APR 27 2001

In re Application of: **John R. Carlson et al.**Application No. **09/491,577**Group Art Unit: **1646**

TECH CENTER 1600/2900

Filed: **January 25, 2000**Examiner: **Joseph Murphy, Ph.D.**For: **Novel Odorant Receptors in Drosophila**Commissioner for Patents
Washington, D.C. 20231#8
JGJ
4/30/01**RESPONSE TO RESTRICTION REQUIREMENT**

In the Office Action dated March 27, 2001, the Examiner made a restriction requirement requiring election between the claims of Groups I-VII and an election of species between the nucleic acid sequences listed in claim 1 for Group I and the polypeptide sequences listed in claim 12 for Group II.

In view of the Restriction Requirement, Applicants elect, with traverse, to prosecute claims 1-10 of Group I, drawn to a nucleic acid, a vector, a host cell, and a method of producing a polypeptide.

In response to the species requirement for Group I, the Office Action indicates that a nucleic acid sequence must be elected from the sequences listed in claim 1. Claim 1 does not list any nucleic acid sequences. In a telephone discussion with the Examiner on April 25, 2001, he indicated that the sequence should actually be elected from those listed in claim 3 as claim 1 does not list any sequences. Applicants therefore elect SEQ ID NO: 31 in claim 3 in response to the species requirement for Group I. In response to the species requirement for Group II, Applicants select SEQ ID NO: 32 in claim 12.

With regard to the traversal, Applicants traverse the restriction of claims 1-10 in Group I from claims 11-13 in Group II. The Office Action has not provided any substantive explanation as to why the claims in Group I are different from the claims in Group II. In the absence of any specific information relating to the subject matter of the claims, Applicants respectfully submit that the Examiner has not met his burden of establishing that the two groups of claims constitute separate and distinct inventions.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this




Attorney Docket 044574-5061-US
U.S. Application 09/491,577
Page 2

application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **April 25, 2001**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1800 M Street, N.W.
Washington, D.C. 20036
202-467-7000

Respectfully submitted
Morgan, Lewis & Bockius LLP



Erich E. Veitenheimer
Registration No. 40,420